

Official Form 417A (12/15)

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re:

Chapter 11

Case No: 17-36876 (CGM)

MFB PROPERTIES LLC,

Debtor.

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**NOTICE OF APPEAL AND STATEMENT OF ELECTION**

**Part 1: Identify the appellant(s)**

1. Name(s) of appellant(s):

BHMPW FUNDING LLC

2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:

For appeals in an adversary proceeding.

☐ Plaintiff

☐ Defendant

☐ Other (describe) \_\_\_\_\_

For appeals in a bankruptcy case and not in an adversary proceeding.

☐ Debtor

☐ Creditor

☐ Trustee

☒ Other (describe) Party in interest

**Part 2: Identify the subject of this appeal**

1. Describe the judgment, order, or decree appealed from: Order Authorizing Sale Pursuant to 11 U.S.C. § 363(b)(1) & 363(f)(3) (ECF No. 33)

2. State the date on which the judgment, order, or decree was entered: February 1, 2018

**Part 3: Identify the other parties to the appeal**

List the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):

1. Party: BHMPW FUNDING LLC Attorney: Daniel Zinman/Jason Leibowitz/Jerold Feuerstein Kriss & Feuerstein LLP

360 Lexington Ave, Suite 1200  
New York, New York 10017  
(212) 661-2900

2. Party: MFB Attorney: Mike Pinsky  
Properties LLC Hayward, Parker, O'Leary & Pinsky  
225 Dolson Ave., Ste. 303  
Middletown, New York 10940

**Part 4: Optional election to have appeal heard by District Court (applicable only  
in certain districts)**

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

☐ Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

**Part 5: Sign below**

/s/ Jason S. Leibowitz

Date: February 14, 2018

Signature of attorney for appellant(s) (or appellant(s) if not represented by an attorney)

Name, address, and telephone number of attorney (or appellant(s) if not represented by an attorney):

Jason S. Leibowitz  
Kriss & Feuerstein LLP  
360 Lexington Avenue, Suite 1200  
New York, New York 10017  
(212) 661-2900

Fee waiver notice: If appellant is a child support creditor or its representative and appellant has filed the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re:

MFB PROPERTIES LLC,

Debtor.

EIN 81-1266188  
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Chapter 11

Case No. 17-36876 (cgm)

**ORDER AUTHORIZING SALE  
PURSUANT TO 11 U.S.C. §§ 363(b)(1) & 363(f)(3)**

The motion of debtor MFB Properties LLC (the “Debtor”) for the entry of an order authorizing the sale of certain real property having come on for a hearing before this Court on January 30, 2018, notice of the Motion being sufficient, and counsel for the Debtor having appeared at the hearing and been heard in support of the Motion, and upon the record of the hearing, after due deliberation and sufficient cause appearing therefor, it is, pursuant to Bankruptcy Code §§ 1303, 363(b)(1), 363(f)(3) and Rules 2002(a)(2), 2002(c)(1) and 6004 of the Federal Rules of Bankruptcy Procedure,

**ORDERED**, that the Debtor be and hereby is authorized to sell all of its right, title and interest in and to the real property located at 7 Lucy Lane, Town of Monroe, County of Orange, State of New York, designated on the Town tax map as Section 6, Block 1, Lot 5.2 (the “Property”), and it is further

**ORDERED**, that the Debtor shall convey all right, title and interest in the Property free and clear of liens, liens to attach to proceeds, and is authorized to pay at closing the liens, encumbrances, mortgages, property taxes and miscellaneous closing costs as may be necessary and appropriate to transfer title, payment at closing being subject only to any objection(s), which shall be determined on application to the Court.

**Dated: February 1, 2018**  
**Poughkeepsie, New York**



**/s/ Cecelia G. Morris**

**Hon. Cecelia G. Morris**  
**Chief U.S. Bankruptcy Judge**